

REMARKS

Claims 1-10 are pending in this application. By this Amendment, claim 1 is amended. No new matter is added. Claim 11 is canceled without prejudice to, or disclaimer of, the subject matter recited in that claim. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments place the application in condition for allowance by incorporating indicated allowable subject matter into independent claim 1, rendering that claim, and the claims depending therefrom, allowable. The amendments are necessary and were not earlier presented because they are made in response to the ongoing arguments raised in the Final Rejection. Entry of the amendments is thus respectfully requested.

The Office Action, on page 3, indicates that claim 11 recites allowable subject matter. Specifically, this claim is indicated as allowable if rewritten in independent form including all the features of the base claim and any intervening claims. Applicants appreciate this indication of allowability. Amendments to claim 1 are made in view of this indication of allowability. Applicants understand that the amendment of claim 1 to include the indicated allowable subject matter of claim 11 renders claim 1, and the claims depending therefrom allowable.

The Office Action, in paragraph 2, continues to reject claims 1-7 and 9 under 35 U.S.C. §103(a) over U.S. Patent No. 7,160,265 to Lell in view of U.S. Patent No. 3,802,430 to Schwebel et al. (hereinafter "Schwebel"); and, in paragraph 3, continues to reject claims 8 and 10 under 35 U.S.C. §103(a) over Lell in view of Schwebel and further in view of U.S. Patent No. 6,328,714 to Bellhouse et al. (hereinafter "Bellhouse"). The rejections are respectfully traversed.

Claim 1 is amended to incorporate the indicated allowable subject matter of claim 11.

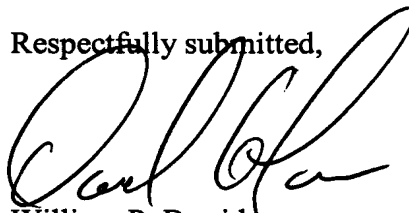
As such, no combination of the applied references can reasonably be considered to teach, or to have suggested, the combinations of all of the features positively recited in claim 1, and the claims depending therefrom. Further, it should be noted that a unique subject matter of the pending claims is that with the closed end of the membrane being positioned, before operation of the device, upstream of the flange, the device includes a membrane that is very compact before the operation of the device. In this regard, the volume defined by this membrane before operation of the device is very small providing for sufficient space for the reservoir of the active principle to be accommodated.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over the asserted combinations of applied references are respectfully requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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